

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)	
)	
PINE CELLULAR PHONES)	CC Docket No. 02-6
)	
Request for Review of Decision of)	
Universal Service Administrator)	

MOTION FOR EXTENSION OF TIME

Pine Cellular Phones (“Pine”), by its attorneys and pursuant to § 1.46(c) of the Commission’s rules (“Rules”), hereby requests that the Commission extend the time within which Pine may request that the Commission review the Revised Funding Commitment Decision Letter (“FCDL”) issued by the Universal Service Administrative Company (“USAC”) on July 25, 2018 for thirty days until October 23, 2018.¹ In support thereof, the following is respectfully submitted:

By the FCDL, USAC denied the appeals filed by Pine with respect to decisions of USAC’s Schools and Libraries Division to deny requests for funding for the special construction projects that Pine performed for the Battiest Independent School District 71 (“Battiest District”) and the Smithville I-14 School District (“Smithville District”). USAC erroneously determined that Pine had “invoiced for services not delivered.” Attach. 1 at 5, 6. Pine subsequently provided USAC with the declarations under penalty of perjury of Don Mullinex, Superintendent of the Battiest District, and Delbert McBroom, Superintendent of the Smithville District, confirming that Pine installed fiber optic cable to their school districts in a timely fashion.²

USAC has informed Pine that the funding requests submitted by the school districts gave

¹ A copy of the FCDL is attached hereto as Attachment 1.

² See Email from Russell D. Lukas to Tammy Carnevale (Aug. 22, 2018).

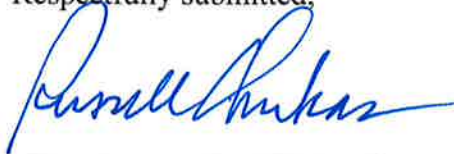
the wrong service start and end dates, which led USAC to incorrectly find that Pine had not delivered the services. USAC has also stated that it is working with the school districts to correct their FCC Forms 486 so that Pine can resubmit its requests for reimbursement. However, USAC has indicated that it may not be able to take the necessary corrective actions prior to Pine's current deadline of September 24, 2018 to submit its request for review under § 54.720(a) of the Rules.

Undersigned counsel will be out of the country from September 19, 2018 until October 3, 2018. A thirty-day extension of the filing deadline is necessary to allow USAC adequate time to reconsider its decision, and to afford counsel adequate time to prepare the appeal in the event that USAC fails to take corrective actions.

Grant of this motion will serve the public interest by preserving Pine's appeal rights and obviating the need to file what may prove to be an unnecessary appeal.

GOOD CAUSE HAVING BEEN SHOWN, Pine respectfully requests that the Commission grant this motion and extend the time within which Pine may seek Commission review of the FCDL to October 23, 2018.

Respectfully submitted,



Russell D. Lukas

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Counsel for Pine Cellular Phones

September 18, 2018

ATTACHMENT 1



July 25, 2018

Revised Funding Commitment Decision Letter

Funding Year 2016

Contact Information:

Jane Merz
Pine Cellular Phones
210 W 2nd St
P.O. Box 548
Broken Bow, OK 74728
jane@pinetelephone.com

SPIN: 143006198

Post Commitment Wave: 53

Totals

Original Commitment Amount	\$1,559,718.00
Revised Commitment Amount	\$1,559,718.00

What is in this letter?

Thank you for submitting your post-commitment request for **Funding Year 2016 Schools and Libraries Program (E-rate) funding**. Attached to this letter, you will find the revised funding statuses and/or post commitment changes to the original Funding Commitment Decision Letter (FCDL) you received. Below are the changes that were made:

- Appeals
- Appeals

The Universal Service Administrative Company (USAC) is providing this information to both the applicant(s) and the service provider(s) so that all parties are aware of the post-commitment changes related to their funding requests and can work together to complete the funding process for these requests.

Next Steps

1. **FCC Form 486.** If your applicant(s) has not already filed the **FCC Form 486**, Service Confirmation and Children's Internet Protection Act (CIPA) Certification Form, for any FRNs included in this RFCDL, please make sure they review CIPA requirements and file the form(s).



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2. **Make sure your applicant(s) file the FCC Form 486**, Service Confirmation and Children's Internet Protection Act (CIPA) Certification Form, for any FRNs included in this RFCDL, if they have not already done so. Please make sure they review the CIPA requirements and file the form(s).
 - **If USAC approved funding on an FRN in your original FCDL**, the deadline to submit the FCC Form 486 is 120 days from the date of the original FCDL or from the service start date (whichever is later).
 - **If a new FRN was created for this RFCDL or funding was not approved on an FRN in your original FCDL but is approved in this RFCDL**, the deadline to submit the FCC Form 486 is 120 days from the date of this RFCDL or from the service start date (whichever is later).
3. **Invoice USAC**, if you or your applicant(s) have not already done so. Work with your applicant(s) to determine if you will bill them at a discounted rate or if they will request reimbursement from USAC after paying their bills in full.
 - **If the applicant is invoicing USAC:** They must pay you (the service provider) the full cost for the services they receive and file the [FCC Form 472](#), the Billed Entity Applicant Reimbursement (BEAR) Form, to invoice USAC for reimbursement of the discounted amount.
 - **If you (the service provider) are invoicing USAC:** You must provide services, bill the applicant for the non-discounted share, and file the [FCC Form 474](#), the Service Provider Invoice (SPI) form, to invoice USAC for reimbursement for the discounted portion of costs. Every funding year, you must file an [FCC Form 473](#), the Service Provider Annual Certification Form, to be able to submit invoices and receive disbursements.
 - **To receive an invoice deadline extension**, the applicant or service provider must request an extension on or before the last date to invoice. **If you anticipate, for any reason, that invoices cannot be filed on time**, USAC will grant a one-time, 120-day invoice deadline extension if timely requested.

How to Appeal or Request a Waiver of a Decision

You can appeal or request a waiver of a decision in this letter **within 60 calendar days** of the date of this letter. Failure to meet this deadline will result in an automatic dismissal of your appeal or waiver request.

Note: The Federal Communications Commission (FCC) will not accept appeals of USAC decisions that have not first been appealed to USAC. However, if you are seeking a waiver of E-rate program rules, you must submit your request to the FCC and not to USAC. USAC is not able to waive the E-rate program rules.

- **To submit your appeal to USAC**, visit the Appeals section in the [E-rate Productivity Center \(EPC\)](#) and provide the required information. USAC will reply to your appeal submissions to confirm receipt. Visit USAC's [website](#) for additional information on submitting an appeal to USAC, including step-by-step instructions.



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- To request a waiver of the FCC's rules or appeal USAC's appeal decision, please submit it to the FCC in proceeding number CC Docket No. 02-6 using the [Electronic Comment Filing System](#) (ECFS). Include your contact information, a statement that your filing is a waiver request, identifying information, the FCC rule(s) for which you are seeking a waiver, a full description of the relevant facts that you believe support your waiver request and any related relief, and any supporting documentation.

For appeals to USAC or to the FCC, be sure to keep a copy of your entire appeal, including any correspondence and documentation, and provide a copy to the affected service provider(s).

Obligation to Pay Non-Discount Portion

Applicants are required to pay the non-discount portion of the cost of the eligible products and/or services to their service providers. Service providers are required to bill applicants for the non-discount portion of costs for the eligible products and/or services. The FCC stated that requiring applicants to pay the non-discounted share of costs ensures efficiency and accountability in the program. If using the BEAR invoicing method, the applicant must pay the service provider in full (the non-discount plus discount portion) **before** seeking reimbursement from USAC. If using the SPI invoicing method, the service provider must first bill the applicant **before** invoicing USAC.

Notice on Rules and Funds Availability

The applicants' receipt of funding commitments is contingent on their compliance with all statutory, regulatory, and procedural requirements of the Schools and Libraries Program and the FCC's rules. Applicants who have received funding commitments continue to be subject to audits and other reviews that USAC and/or the FCC may undertake periodically to assure that funds that have been committed are being used in accordance with such requirements. USAC may be required to reduce or cancel funding commitments that were not issued in accordance with such requirements, whether due to action or inaction, including but not limited to that by USAC, the applicant, or the service provider. USAC, and other appropriate authorities (including but not limited to the FCC), may pursue enforcement actions and other means of recourse to collect improperly disbursed funds.



Service Provider: Pine Cellular Phones
SPIN: 143006198
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Revised Funding Commitment Decision Overview

Funding Year 2016

Funding Request Number (FRN)	BEN Name	Request Type	Revised Committed	Review Status
1699068414	BATTIEST INDEP SCHOOL DIST 71	Appeals	\$740,718.00	Denied
1699100164	SMITHVILLE I-14 SCHOOL DISTRICT	Appeals	\$819,000.00	Denied



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Post Commitment Request Number: 100752	Post Commitment Request Type: Appeals	Post Commitment Decision: Denied
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FRN: 1699068414	Service Type: Data Transmission and/or Internet Access	Original Status: Funded	Revised Status: Funded
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Dollars Committed			
Monthly Cost		One-Time Cost	
Months of Service	0		
Total Eligible Recurring Charges	\$0.00	Total Eligible One Time Charges	\$823,020.00
Total Pre-Discount Charges		\$823,020.00	
Discount Rate		90.00%	
Revised Committed Amount		\$740,718.00	

Dates	
Service Start Date	7/1/2017
Contract Expiration Date	6/30/2017
Contract Award Date	4/21/2016
Service Delivery Deadline	6/30/2017
Expiration Date (All Extensions)	

Service Provider and Contract Information	
Service Provider	Pine Cellular Phones
SPIN (498ID)	143006198
Contract Number	
Account Number	580-241-7810
Establishing FCC Form 470	160033760

Billed Entity Information	
BEN Name	BATTIEST INDEP SCHOOL DIST 71
BEN	140293
FCC Form 471	161032874

Consultant Information	
Consultant Name	
Consultant's Employer	
CRN	

Revised Funding Commitment Decision Comments:

Post Commitment Rationale:

Your Appeal is denied. During the invoice review, reimbursement can only be issued for services that were approved during the FCC Form 471 review process and rendered. It was determined that you invoiced for services not delivered. Reimbursement can be made for services when they have been rendered.



Service Provider: Pine Cellular Phones
SPIN: 143006198
Post Commitment Wave: 53

Post Commitment Request Number: 100758	Post Commitment Request Type: Appeals	Post Commitment Decision: Denied
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FRN: 1699100164	Service Type: Data Transmission and/or Internet Access	Original Status: Funded	Revised Status: Funded
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Dollars Committed			
Monthly Cost		One-Time Cost	
Months of Service	0		
Total Eligible Recurring Charges	\$0.00	Total Eligible One Time Charges	\$910,000.00
Total Pre-Discount Charges		\$910,000.00	
Discount Rate		90.00%	
Revised Committed Amount		\$819,000.00	

Dates	
Service Start Date	7/1/2017
Contract Expiration Date	6/30/2017
Contract Award Date	
Service Delivery Deadline	6/30/2017
Expiration Date (All Extensions)	

Service Provider and Contract Information	
Service Provider	Pine Cellular Phones
SPIN (498ID)	143006198
Contract Number	
Account Number	5802443333
Establishing FCC Form 470	160007790

Billed Entity Information	
BEN Name	SMITHVILLE I-14 SCHOOL DISTRICT
BEN	140421
FCC Form 471	161041646

Consultant Information	
Consultant Name	
Consultant's Employer	
CRN	

Revised Funding Commitment Decision Comments:

Post Commitment Rationale:

Your Appeal is denied. During the invoice review, reimbursement can only be issued for services that were approved during the FCC Form 471 review process and rendered. It was determined that you invoiced for services not delivered. Reimbursement can be made for services when they have been rendered.

CERTIFICATE OF SERVICE

I, Russell D. Lukas, hereby certify that on September 18, 2018, I caused a copy of the foregoing MOTION FOR EXTENSION OF TIME to be served via first-class mail and email upon the following:

Universal Service Administrative Company
Attn: Schools and Libraries Program
700 12th Street, N.W., Suite 900
Washington, D.C. 20005

Gabriela L. Gross
Federal Communications Commission
Telecommunications Access Policy Division
445 12th Street, S.W.
Washington, D.C. 20554



Russell D. Lukas